

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JANUARY 3, 1988

MEMORANDUM

SUBJECT: EPA Policy Regarding Storage Permit Requirements for Off-Loading Hazardous  
Wastes Directly into a Unit Without Prior Storage

FROM: Devereaux Barnes, Director  
Characterization and Assessment Division (OS-330)

TO: Hazardous Waste Management Division Directors  
Regions I-X

There has been some recent confusion concerning EPA's policy regarding the applicability of storage permit requirements to facilities where hazardous waste is off-loaded directly into a process without prior storage. Attached to this memorandum is a letter written by OSW in response to a request for clarification of this issue from Mr. Grant R. Trigger. Our response to Mr. Trigger represents EPA's current position on this issue. However, you should note that we expect to solicit comment in the upcoming Boiler and Industrial Furnace reproposal on the possible requirement that thermal treatment units have a storage tank.

Should you have any questions, please have your staff contact Bob Dellinger or Mitch Kidwell, of my staff, at FTS 382-4805.

Attachment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DECEMBER 9, 1988

Mr. Grant R. Trigger  
Clark, Klein and Beaumont  
1600 First Federal Building  
1001 Woodward Avenue  
Detroit, MI 48226-1962

Dear Mr. Trigger:

This letter responds to your correspondence of November 3, 1988, requesting clarification on the applicability of RCRA "storage facility" requirements to your client, St. Mary's Peerless Cement Company (SMP). As stated in your letter, the need for this clarification arises from conflicting interpretations given by the Regional office and the Headquarters Office of General Counsel concerning the status of SMP's process, where hazardous waste fuels are fed into the process directly from tank truck vehicles. It is our understanding that these vehicles remain on-site for no more than 24 hours.

The Office of General Counsel's January 28, 1988, letter stated that "the trucks containing the hazardous waste-derived fuel are not storage vessels when located on-site for short periods during the transfer of hazardous waste into the kiln." This interpretation is consistent with the Agency's current policy regarding such practices. The memorandum issued by Region V on September 2, 1988, is not consistent with existing policy. (EPA does currently allow time for off-loading the waste into the process without requiring a storage permit.)

Recently, SMP submitted its Part B application to obtain a final RCRA permit to operate the cement kiln as a hazardous waste incinerator, subject to 40 CFR Part 264, Subpart O requirements. Pursuant to the Part 270 regulations, the Region V Regional Administrator is authorized to impose permit conditions necessary to operate the cement kiln in a manner that protects human health and the environment. The authority to establish RCRA operating conditions includes the hazardous waste feed system, and we would expect that Region V may impose additional requirements to ensure that the hazardous waste being fed into the process conforms with the physical and chemical characteristics specified in the RCRA permit. Additionally, we would expect that under authority of RCRA section 3005(c)(3), conditions to protect against any risks posed by potential spills or releases during off-loading of the tank trucks would be addressed. However, given our current policy, we would not require that the tank truck vehicles obtain a storage permit for off-loading the hazardous waste fuel.

You should be aware that EPA Headquarters is currently reevaluating the existing policies and regulations regarding off-loading from tank trucks to storage facilities or directly into exempt recycling

units or into thermal treatment units. This reevaluation may result in a rulemaking to modify our existing regulations.

Should you have any further questions, you should contact Bob Dellinger or Mitch Kidwell of my staff at (202) 475-8551.

Sincerely,

Sylvia K. Lowrance, Director  
Office of Solid Waste